

Serial No.: 09/986,136

Docket No.249/375

C. REMARKS

Claims:

Claims 1-18 are pending in the application. Claim 17 is withdrawn from consideration. Claims 3-5, 11-13 and 18 have been allowed; and claim 7 has been identified as containing allowable subject matter. Applicants thank Examiner Garrett with appreciation for allowing claims 3-5, 11-13 and 18. Claims 1, 2, 6-10, and 14-16 stand rejected under 35 U.S.C. § 112, first and second paragraphs. By this amendment, the applicants propose amending claims 1, 6 and 17. No new matter is presented by the proposed amendments, and applicants believe the amendments place the application in condition for allowance, or better condition for appeal. Accordingly, applicants respectfully request entry of the amendments and reconsideration of claims 1-18 in light of the following remarks.

Allowable Subject Matter

The Office Action has indicated that claims 3-5, 11-13 and 18 are allowed. Applicants thank the examiner for the indication of allowable subject matter.

The 35 U.S.C. § 112 Rejections

The Office Action rejected claims 1, 2, 6-10, and 14-16 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The examiner alleges that “[t]he variable ‘n’ in the formulas of claims 1 and 6 has not been defined and accordingly, it is unclear how many repeating units in parenthesis may be present in the polymer.” Office Action, page 2. While applicants respectfully disagree with the Examiner, applicants propose amending independent claims 1 and 6 to include the feature “wherein the variable “n” is an integer in the range of 30 to 3,000.” Support for this amendment may be found, for example, on page 10 of the specification, in paragraph 31, wherein it is stated that “[t]he present electroluminescent polymer preferably has a number average molecular weight (Mn) of about 10,000 - 1,000,000.” Applicants submit that “n” (which represents the number of repeating units in the polymer) is an inherent value for a given molecular weight for the provided electroluminescent polymer formulation. As such, the disclosed molecular weight range of 10,000 to 1,000,000 is equivalent

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Docket No.249/375

to 30 - 3,000 repeating units ("n") for this polymer. No new matter is presented by this amendment, which applicants believe places the claims in condition for allowance, or in better condition for appeal. Accordingly, the applicants respectfully request entry of the amendments to claims 1 and 6, and reconsideration and withdrawal of the rejection to pending claims 1, 2, 6-10 and 14-16.

The Office Action rejected claims 1, 2, 6-10, and 14-16 under 35 U.S.C. §112, first paragraph for allegedly failing to comply with the written description requirement. The examiner alleges that "added limitation to claims 1 and 6 'wherein at least one of the X substituents is not a hydrogen' is considered new matter." Office Action, page 3. While applicants respectfully disagree with the Examiner, applicants propose amending independent claims 1 and 6 to recite "wherein at least one of the X substituents is an alkoxy group." Support for this amendment may be found, for example, in Figure 1, preparation Example 2 on page 17 of the specification, where the synthesized luminescent polymer used in Examples 1 and 2 contains one X substituent that is an alkoxy ("-OR") group, and the original claims where the X substituents include alkoxy groups. No new matter is presented by this amendment, which applicants believe places the claims in condition for allowance, or in better condition for appeal. Accordingly, the applicants respectfully request entry of the amendments to claims 1 and 6, and reconsideration and withdrawal of the rejection to pending claims 1, 2, 6-10 and 14-16.

In addition, the applicants propose amending independent claim 17 to include the same features as claims 1 and 6. Claim 17 has been withdrawn from consideration as being drawn to a non-elected invention. However, the applicants respectfully submit that claim 17 should be rejoined as a method of making the allowable polymer of claim 1. Applicants therefore request entry of the amendment, and reconsideration and allowance of claim 17.